

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

JIM JONES, et al.,

Plaintiffs,

VS.

JOHN GALE, et al.,

Defendants,

CASE NO. 8:04CV645

MEMORANDUM AND ORDER

This Order addresses two house-keeping matters to dispose of unopposed, pending motions. First, the Plaintiffs have moved for leave to substitute an exhibit in the Plaintiffs' Index of Evidence in opposition to the Defendants' Motion for Summary Judgment. The Defendants have not opposed the motion to substitute the exhibit. A review of the record, however, indicates that the currently-filed document (Exhibit 7 to the Plaintiffs' Index of Evidence, appearing at Filing No. 85-9) is in fact the Defendants' Responses to Requests for Admissions dated June 8, 2005, and not the Plaintiffs' Responses to Requests for Admissions, as the Plaintiffs had feared. In other words, the Plaintiffs are seeking to substitute an exhibit identical to that already in the record. Accordingly, the Plaintiffs' motion is denied as moot. Second, the Defendants have asked for a few hours' extension of time to file exhibits in response to the Plaintiffs' Motion for Summary Judgment due to a technical difficulty with electronic filing. That unopposed motion and will be granted.

IT IS ORDERED:

1. The Plaintiffs' Motion to Substitute Exhibit (Filing No. 86) is denied as moot;
and

2. The Defendants' Motion to Extend Time to File Exhibits (Filing No. 100) is granted.

Dated this 11th day of October, 2005.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge